

IN RE: PETITION FOR RESIDENTIAL  
ZONING VARIANCE  
NE/S Windwood Road, 220 ft. E.  
of Holly Lane  
608 Windwood Road  
9th Election District  
1st Councilmanic District  
John James Dieter, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 92-314-A  
\*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Petitioners herein request a variance from Section 1802.3.C.1 (401.1) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing side porch to be rebuilt in the same location with a setback of 4 ft., in lieu of the required 7.5 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of April, 1992 that the Petition for a Zoning Variance from Section 1802.3.C.1 (301.1) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing side porch to be rebuilt in the same location with a setback of 4 ft., in lieu of the required 7.5 ft., in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mmn

Baltimore County Government  
Zoning Commission  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

April 2, 1992

Mr. and Mrs. John James Dieter  
608 Windwood Road  
Baltimore, Maryland 21212

RE: Petition for Residential Zoning Variance  
Case No. 92-314-A

Dear Mr. and Mrs. Dieter:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmn  
encl.

**PETITION FOR RESIDENTIAL VARIANCE**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1802.3.C.1 (301.1) to permit an existing side porch to be rebuilt in the same location, setback 4 feet in lieu of the required 7.5 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason (indicate hardship or practical difficulty):

- Existing side porch & rear porch roof are deteriorating & needs replacement.
- Replacement of the porches (with non-conforming setbacks) would not comply with the applicable zoning regulations.
- Due to the lot configuration & dwelling construction, compliance with zoning regs. would be a hardship.  
Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City/State/Zip Code

Signature

Address

Attorney's telephone number

Address

ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be posted on the property on or before the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 109, County Office Building in Towson, Baltimore County.



ZONING COMMISSIONER OF BALTIMORE COUNTY

REVIEWED BY: WCR DATE: \_\_\_\_\_

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning and Zoning

March 17, 1992

(410) 887-3353

111 West Chesapeake Avenue  
Towson, MD 21204

Mr. & Mrs. John J. Dieter  
608 Windwood Road  
Baltimore, MD 21212

RE: Item No. 342, Case No. 92-314-A  
Petitioner: John J. Dieter, et ux  
Petition for Residential Variance

Dear Mr. & Mrs. Dieter:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

**AFFIDAVIT**

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/so presently reside at 608 W. Windwood Rd.  
Towson, MD 21212  
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

1. Existing side porch & rear porch roof are deteriorating & needs replacement; 2. Replacement of the porches (with non-conforming setbacks) would not comply with the applicable zoning regulations; 3. Due to the lot configuration and dwelling construction, compliance with the zoning regulations would be a hardship.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

John J. Dieter  
AFFIANT (Handwritten Signature)  
John J. Dieter  
AFFIANT (Printed Name)

Stephanie B. Dieter  
AFFIANT (Handwritten Signature)  
Stephanie B. Dieter  
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27th day of February, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John J. Dieter and Stephanie B. Dieter

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and each oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

2/27/92  
DATE

Patricia M. Fischer  
NOTARY PUBLIC Patricia M. Fischer  
My Commission Expires: 10/4/93

**ZONING DESCRIPTION**

Beginning on the northeast side Windwood Road, approximately 220 feet East of Holly Lane. Being Lot #57 and #58, Section 8, Anneslie, Plat Book 7, Folio 40. Also known as #608 Windwood Road, containing 6,250 square feet in the 9th Election District.

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 11th Date of Posting: 3/17/92  
Posted for: Residence  
Petitioner: John J. Dieter & Stephanie B. Dieter  
Location of property: 608 Windwood Rd., Towson, MD 21212  
Location of Sign: Along Windwood Rd., across from property  
Remarks: Posting of signs for Baltimore County  
Posted by: Matthew Date of return: 3/24/92  
Number of Signs: 4

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date: 2/28/92

PUBLIC HEARING FEE	QTY	PRICE
010 - ZONING VARIABLE FEE	1 X	\$35.00
080 - POSTING SIGN	1 X	\$25.00
TOTAL:		\$60.00

LAST NAME OF USER: TEST

01A04#00061CHRC \$60.00  
BA C003102PM02-28-92  
Please Make Checks Payable To: Baltimore County

Cashier Validation

Your petition has been received and accepted for filing this  
28th day of February, 1992.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:

*W. Carl Rehbeck Jr.*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: John James Dieter, et ux  
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: March 10, 1992

FROM: Gary L. Kerns, Chief  
Comprehensive and Community Planning  
Office of Planning and Zoning

SUBJECT: Connolly Property, Item No. 331  
Connolly Property, Item 330  
Wagandt Property, Item 345  
Wilson Property, Item 344  
Dieter Property, Item 342  
Levenson Property, Item 337  
Bialek Property, Item 340  
O'Neill Property, Item 324

In reference to the applicant's request, staff offers no  
comments.

If there should be any further questions or if this office can  
provide additional information, please contact Jeffrey Long in the  
Office of Planning at 887-3211.

GLK/JL:rdn  
ITEM331/TXTROZ

RECEIVED  
MAR 11 1992  
ZONING OFFICE



Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JOHN JAMES DIETER AND STEPHANIE BOERME DIETER  
Location: #608 WINDWOOD ROAD  
Item No.: 342 Zoning Agenda: MARCH 10, 1992

Gentlemen:

Furnuant to your request, the referenced property has been surveyed by  
this Bureau and the comments below are applicable and required to be  
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Jeffrey Long* Noted and  
Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/KEK

RECEIVED  
MAR 5 1992  
ZONING OFFICE

BALTIMORE COUNTY  
ECONOMIC DEVELOPMENT COMMISSION

Memorandum

TO: Julie Winiarski  
Office of Zoning Administration and  
Development Management

FROM: A. J. Haley, Deputy Director *AJH*  
Economic Development Commission

DATE: March 4, 1992

RE: Zoning Advisory Comments for Meeting of March 10, 1992

This office has no comment for items 336, 337, 340, 341, 342, 344, 345 and  
346.

c: Ken Hohe

RECEIVED  
MAR 5 1992  
ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: April 8, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 10, 1992

This office has no comments for item numbers 336, 337, 340, 342, 344,  
345 and 346.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJF/lvd

RECEIVED  
APR 9 1992  
ZONING OFFICE

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

March 3, 1992

(410) 887-3353

John James and Stephanie Boerme Dieter  
608 Windwood Road  
Baltimore, Maryland 21212

Re: CASE NUMBER: 92-314-A  
LOCATION: NW/4 Windwood Road, 220' E of Holly Lane  
608 Windwood Road  
9th Election District - 4th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case  
number. Any contact made with this office should reference the case number. This letter also serves as a  
refresher regarding the administrative process.

1) Your property will be posted on or before March 15, 1992. The closing date is March 30, 1992. The  
closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing  
date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will  
be issued. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the  
matter be set in for a public hearing. You will receive written notification as to whether or not your  
petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the  
Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers.  
Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after  
the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE  
PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND  
THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE  
FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR  
DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner, Baltimore County



County Council of Baltimore County  
Court House, Towson, Maryland 21204

(410) 887-3196  
Fax (410) 887-5791

COUNCIL

Bertie J. Miller  
FIRST DISTRICT

Miriam G. Muniz  
SECOND DISTRICT

Charles A. Rappenhagen, III  
THIRD DISTRICT

Douglas B. Riley  
FOURTH DISTRICT

Vance Gardina  
FIFTH DISTRICT

William A. Howard, IV  
SIXTH DISTRICT

Donald C. Mason  
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.  
LEGISLATIVE COUNSEL  
SECRETARY

Lawrence E. Schmidt  
Baltimore County Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Schmidt:

Attached please find a copy of Resolution 19-92  
concerning the public disclosure of James Dieter, Director  
of the Department of Environmental Protection and Resource  
Management. Mr. Dieter has applied for a residential  
zoning variance to renovate his home at 608 Windwood Road.

This Resolution was unanimously approved by the  
County Council at its meeting on Monday, March 16, 1992 and  
is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.  
Legislative Counsel/Secretary

TJP:dp  
R1992/DAPTUP

cc: Jim Dieter

RECEIVED  
MAR 11 1992  
ZONING COMMISSIONER

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1992, LEGISLATIVE DAY NO. 6

RESOLUTION NO. 19-92

MR. DOUGLAS B. RILEY, COUNCILMAN

BY THE COUNTY COUNCIL, MARCH 16, 1992

A RESOLUTION concerning the public disclosure of James Dieter,  
Director, Department of Environmental Protection and Resource  
Management.

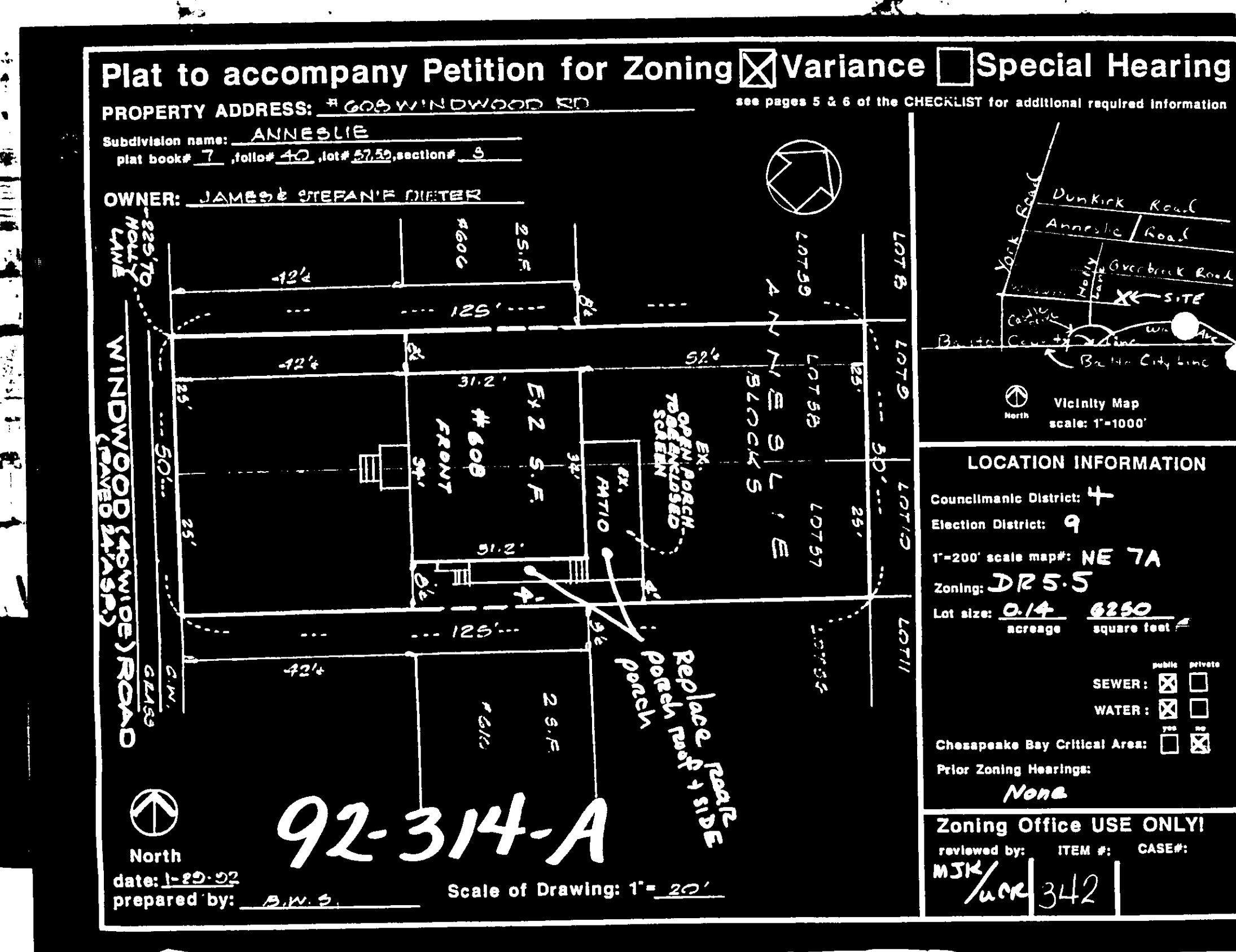
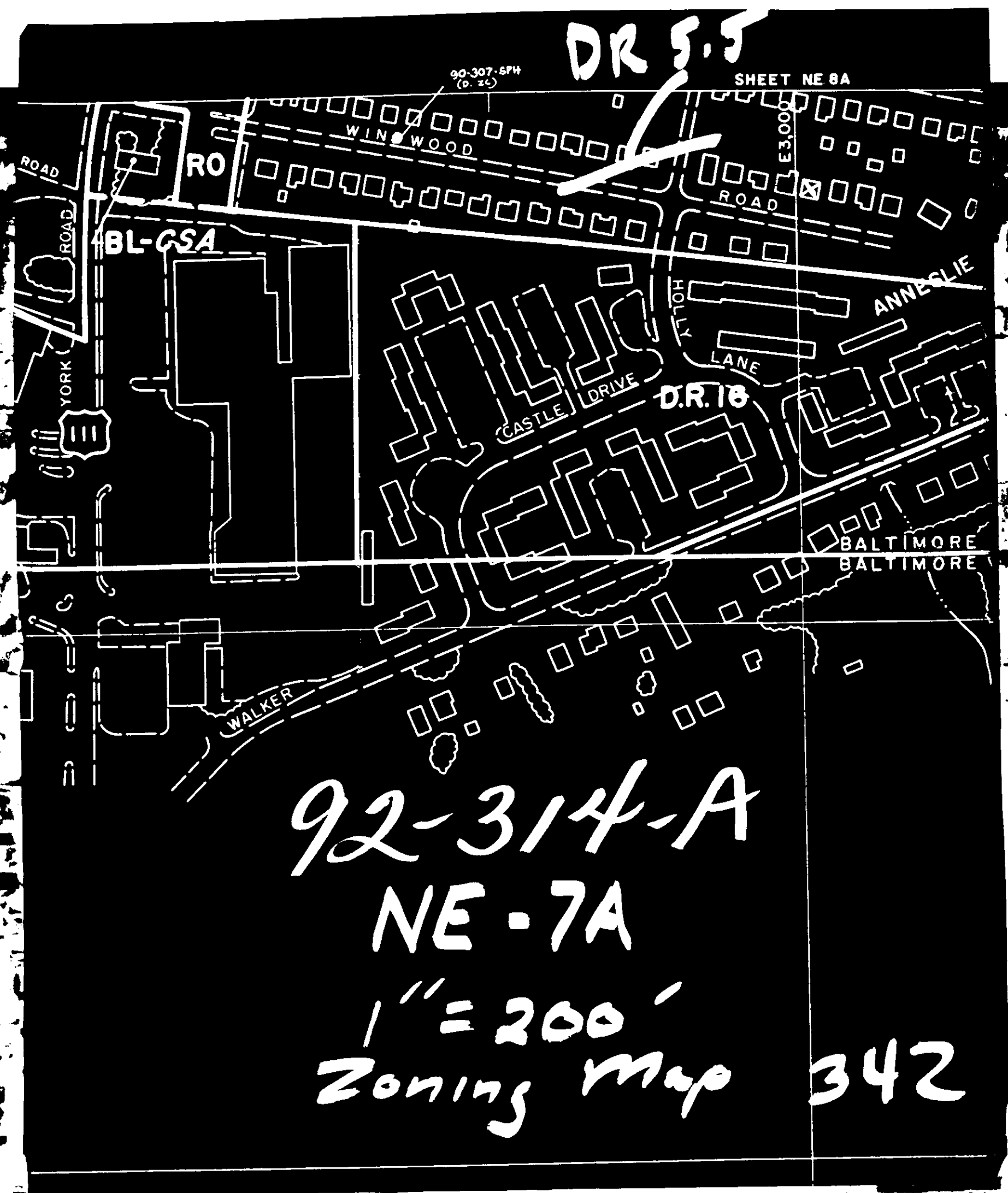
WHEREAS, James Dieter, an employee of Baltimore County, has  
applied for a residential zoning variance to renovate his home at 608  
Windwood Road.

WHEREAS, this Resolution is intended to provide full disclosure  
under Section 26-3(d) of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED by the County Council of  
Baltimore County, Maryland, that the application for a zoning variance  
of James Dieter, Director, does not contravene the public welfare and  
is hereby authorized.

R1992/RES92





SCALE	LOCATION	SHEET
1" = 200' ±	CEDARCROFT	NE
DATE OF PHOTOGRAPHY JANUARY 1986	ANNESLIE	7-A